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# **Animal Welfare Enforcement**

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1977

**REPORT OF THE SECRETARY  
OF AGRICULTURE  
TO THE PRESIDENT OF THE SENATE  
AND THE SPEAKER OF THE HOUSE  
OF REPRESENTATIVES**



United States  
Department  
of Agriculture

Issued  
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**Animal  
Welfare  
Enforcement**

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**1977**

Report of the Secretary  
of Agriculture  
to the President of the Senate  
and the Speaker of the House  
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## **INTRODUCTION**

The Animal Welfare Act is administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA). It is composed of laws passed in 1966, 1970, and 1976. The intent of this legislation is to protect large groups of nonfarm animals from substandard care and treatment. The activities of animal dealers, exhibitors, operators of auction sales, research facilities, carriers, and other persons subject to the Act are regulated by APHIS' Veterinary Services.

Formerly, APHIS submitted its annual report to Congress on a calendar year basis. Pursuant to the regulations published under the 1976 amendments to the Animal Welfare Act, the Agency now reports on the Federal fiscal year basis. The changeover resulted in some overlapping of information and data. This report covers the last 9 months (January 1 - September 30) of FY 1977. The first 3 months of FY 1977 (October 1 - December 31, 1976) were included in the 1976 calendar year report.

### **Enforcement Officials**

Veterinary Services has a field force operating from 18 areas and 40 district offices throughout the United States (see Appendix, address list). This field force consists of veterinarians, investigators, and animal health technicians.

Animal Welfare enforcement in the field is coordinated by the Animal Care Staff, located in Hyattsville, MD., near Washington, D.C. (see Appendix, address list). This six-member staff consists of specialists in various aspects of humane animal care. It is responsible for formulating, organizing, and executing national programs of inspection and humane handling, including safe transport, of laboratory, exhibition, and pet animals. It also evaluates programs and procedures, organizes and conducts training courses, and assists in administration of the Act nationwide. Further, it coordinates investigations of alleged violations of regulations.

## **Licensed Dealers**

The Act's Licensing requirement for dealers applies to certain animal breeders, wholesale pet dealers, suppliers of laboratory animals or specimens, traders and importers of wild animals, animal transporters, and animal brokers. The 1976 Animal Welfare Act Amendments also require licensing of dealers handling hunting dogs, guard dogs, and dogs sold for breeding. However, the 1976 amendments exempt persons with limited sales, if their gross income is not over \$500 per year and sales don't include wild animals, dogs, or cats.

*By the end of FY 1977, the number of active dealers licensed was 4,638 (see Appendix, table 1). During the year, 336 dealers dropped their licenses and 677 were newly licensed.*

## **Animal Exhibitors**

Exhibitors are persons who exhibit animals to the public for compensation, if these animals were purchased in commerce or if their intended distribution affects commerce. The term specifically includes animal acts, carnivals, circuses, and zoos, whether operated for profit or not. Exhibitors must be licensed or registered. Licensed and registered exhibitors as well as Federal agencies exhibiting animals are required to comply with USDA standards of animal care.

Currently exempt from both licensing and registration under the Act are private animal collections, purebred dog and cat shows, and fairs and exhibitions intended to advance agriculture arts and sciences.

*At the end of FY 1977, 848 exhibitors were licensed and 396 were registered. During the year, the number of licensed exhibitors went up by 176 while the number of registrants went down by 68.*

The major reason for this change was due to APHIS' reviewing the business operations of registered exhibitors. They are now required to become licensed if, in addition to exhibiting, they are engaged in any other regulated activity.

inspectors have found these animals to be in very good condition and well cared for. There are exceptions, and the Department is usually made aware of one or two shows a year which are not properly caring for their animals.

The Department usually inspects circuses and animal acts about twice a year--once in winter quarters and once on the road. However, when a show with problems is encountered, it may be inspected weekly or monthly, until the problems are corrected. If necessary, local officials may be brought in to assist in obtaining compliance. It has been the Department's experience, however, that the majority of these animals are well cared for. The trainer must make a living for his family with these animals, and anything which affects the animals' well-being affects his family as well.

The largest number of complaints concerning traveling shows usually involve small animal acts or "petting zoo" type operations, which work almost exclusively in shopping malls. This type of operation moves around rapidly with no set itinerary. By the time complaints are received, the show has moved on and is very difficult to find. This usually results in a string of complaints, from city to city, and State to State, until the show is finally located. There are some very good small shows working this type of operation, and there are some poor shows, i.e., with respect to care and treatment of animals. Investigation of legitimate complaints is given high priority, and the Department has found that less than half of the complaints investigated involve violations of the Animal Welfare Act or its regulations. A large number of complaints are the result of misunderstanding, lack of information, or from placing human characteristics and attributes to animals. The Department encourages the reporting of possible violations however, as it would rather investigate 100 complaints than allow one substandard operation to continue business as usual.

### **Research Facilities**

Research facilities using animals regulated under the Act are subject to registration which involves no fees. They must comply with regulations and standards under the Act and undergo inspections. Types of institutions presently registered are State-owned and privately owned laboratories, clinics, hospitals, colleges, universities, drug firms, and large scale diagnostic laboratories.

*At the end of FY 1977, a total of 1,024 active research facilities were registered, involving inspections at about 2,100 research sites (see Appendix, table 1).*

Exempt from registration as research facilities are schools below the college level, institutions not using live animals in research, and Federal agencies. However, Federal agencies must comply with APHIS standards for animal care and treatment and must send APHIS an annual report on the use of laboratory animals.



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Under the Act, sick animals must receive prompt and adequate veterinary care. This is one of the things APHIS inspectors look for when checking facilities.

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*In FY 1977, APHIS inspectors reported that the standards of veterinary care were met at practically all registered research sites. Discrepancies noted at a few registered research facilities were corrected.*





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APHIS inspectors make unannounced calls at licensees' and registrants' facilities to make sure they are complying with rules, regulations and standards.

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*During FY 1977, APHIS conducted 2,423 prelicensing inspections (see Appendix, Table 6).*

As in the past, the Department relied on Administrative proceedings to prosecute most alleged violations reported. Minor violations are often closed with a letter of warning.

In cases concerning violations which are not minor, an administrative proceeding is initiated by the filing and service of a complaint. Penalties are recommended on a case by case basis. In addition to suspending or revoking a license, or imposing a money penalty, the Secretary of Agriculture may also order a person to cease and desist from continuing a violation. Any person who knowingly fails to obey such cease and desist order is subject to civil penalty of \$500 for each offense.

## **PUBLIC INFORMATION ACTIVITIES**

Public information support for Veterinary Services' animal welfare activities is handled by the APHIS Information Division. Information materials generated on animal welfare are distributed through public media. Mailings are made to target audiences such as humane societies; publishers of trade magazines; and other national, regional, State, and local organizations that publish information on animal welfare. Regional information offices of APHIS distribute information of local interest to newspapers and other local media.

### **Press Releases and Publications**

Press releases issued on animal welfare principally report charges against licensees and registrants and the outcome of these procedures. APHIS finds that when it publicizes animal welfare violations, people take notice and become more diligent in upholding Federal standards of animal care.

During FY 1977, APHIS issued 36 press releases on the animal welfare program, plus the following new or revised publications:

- LICENSING AND REGISTRATION UNDER THE ANIMAL WELFARE ACT  
Dealers, Exhibitors, Researchers, Transporters (Revised July 1977)
- THE ANIMAL WELFARE ACT, How It Protects Your Dog and Cat  
(April 1977; Slightly Revised--September 1977)
- APHIS FACTS ABOUT ... PETS

They Need Proper Care To Travel By Air (September 1977)

-- THEY NEED PROPER CARE TO TRAVEL BY AIR (Poster--September 1977)

The latter three publications were part of a concentrated campaign to publicize the new animal air transportation regulations. The campaign was built around the theme, "Pets--they need proper care to travel by air," and utilized the poster, fact sheet, and leaflet. These materials were distributed through airlines, travel agents, and practicing veterinarians. Press releases advising the public of their availability resulted in numerous requests for the materials.

To further promote humane handling and care of animals, APHIS participated at pet trade shows and displayed its exhibit titled, "APHIS LOVES ANIMALS," along with selected publications for distribution to those affected by animal welfare regulations.

### Public Correspondence

*During FY 1977, APHIS answered 1,274 letters on animal care and treatment including many referred by members of Congress.*

For the most part, these letters expressed an opinion, registered a complaint, or requested information on such animal welfare policies and issues as:

-- Use and treatment of animals in research work, at zoos and other animal exhibitions, in the production of movies, and by individual pet owners (627 letters).

-- USDA's position on the plight of stray and homeless animals, pet overpopulation, and animal-fighting ventures (166 letters).

-- Pet transportation requirements in the Animal Welfare Act and the policies of individual carriers (305 letters).

-- Published proposed standards for humane care and treatment of marine mammals (11 letters).

-- The American Museum of Natural History's animal research projects.

Examples of specific questions are:

1. Why does the USDA allow the cruel and inhumane breeding and raising of dogs in so-called "puppy mill" operations?

U.S. Animal Health Association.  
Western World Pet Supply Association.  
Pharmaceutical Manufacturers Association.  
Ohio Federation of Dog Fanciers.  
Midwest Professional Dog Breeders and Brokers Association.  
Michigan Veterinary Medical Association.  
American Association for Laboratory Animal Science.  
Ohio Veterinary Medical Association.  
International Association of Aquatic Animal Medicine.

## **PROPOSED COVERAGE OF MARINE MAMMALS**

The Animal Welfare Act of 1970 covers most warmblooded animals. Certain groups were given temporary exempt status for one reason or another. Marine or aquatic mammals were included on the exempt list because sufficient information was not available at the time on which to base sound enforceable regulations.

The Marine Mammal Commission was created under the Marine Mammal Protection Act of 1972. The Commission, along with its committee of nine scientific advisors, was to be an advisory commission to all Federal Government agencies on any matter that involved marine mammals.

The Commission has recommended that the Department remove marine mammals from the list of exempt animals and bring them under the full coverage of the Animal Welfare Act. To support this recommendation, the Commission assembled the necessary technical and scientific information and furnished it to the Department which used it as the basis for proposed regulations. The Secretary is now prepared to remove marine mammals from exemption.

On August 18, 1977, a proposed rule-making was published in the Federal Register which would set standards and provide regulations for the humane handling, care, treatment, and transportation of marine mammals. A 60-day comment period was designated to allow public comment on the proposed regulations. During the comment period, three informal public hearings were held at different locations in the United States for the purpose of inviting public comment. Hearing notices were published in the Federal Register. Meetings were held in Los Angeles, CA, on September 26, 1977, Miami Springs, FL, on September 29, 1977, and in College Park, MD, on October 18, 1977. The proceedings of the hearings were recorded as a matter of public record.

The comment period ended on October 18, 1977, and the Department is currently evaluating the comments, both oral and written, and is in the process of rewriting the regulations for publication at a later date. At this time, the Department is considering publishing the regulations as a repropounded rule-making because of several radical changes that are being considered as a result of public comments. The final rule-making will follow after a brief comment period and will become effective shortly thereafter.

## REGULATORY CHANGES

As directed by the Animal Welfare Act Amendments of 1976, the Department promulgated regulations and standards relative to the humane care and handling of certain warmblooded animals while transported in commerce. Final rulemaking, which became effective in September 1977, concerned health certification, minimum age for puppies and kittens, shipments of certain animals transported in commerce and transportation standards for shipping containers, scheduling of shipments, feeding and watering, care in transit, handling, temperatures, and terminal facilities.

*No funds were appropriated for enforcement of the 1976 Animal Welfare Act Amendments in fiscal years 1976 and 1977. For fiscal year 1978, a total of \$508,000 was appropriated for enforcement of the animal transportation provisions. No funds were appropriated for enforcing the animal fighting prohibitions of the Act.*

### Proposed Federal Health Certificates

Section 2.79 of the Animal Welfare Act regulations requires that dogs, cats, and nonhuman primates shipped by any dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the Federal, State, or local governments, must be accompanied by a health certificate issued by a licensed veterinarian no more than 10 days before delivery for transportation. Exempted are pet animals shipped by a private citizen who does not meet the definition of a dealer, research facility, or exhibitor. Animals transported by private vehicle are also exempted.

The Department proposes to print and distribute the Individual Animal Health Certificate (VS Form 18-1) and the Multiple Animal Health Certificate (VS Form 18-2) for this purpose. These certificates also meet the needs of various industry related groups, as well as the certification requirements for export to foreign countries, and the requirements of most States of destination.

The Department consulted with the United States Animal Health Association and final agreement was reached on the basic format for the Individual Animal Health Certificates (VS Form 18-1) and VS Form 18-2. Both forms are now in the final drafting stages for printing.

APHIS would accept the certificate in place of two types of shipping forms presently required. The certificate also would be designed to meet requirements of all governmental and private agencies and organizations that require certification of health or status of immunization against disease. And it would also meet certification requirements for international shipment of dogs and cats. Potentially, the certificate would avoid duplication of forms and save money and effort for all who are involved in shipping dogs and cats.

In general, the following areas are being considered:

1. Retain definitions in Section 2 of the Act, especially the terms "dealer" and "exhibitor" and their relation to the term "retail pet store".
2. The term "less than a substantial portion of his income" which appears in section 3 of the Act.
3. In addition to the above, there is a need to consider amending Section 13 of the Act. Presently, it requires that any dog or cat (or other animal designated by the regulations) which is delivered (by specified persons) in commerce, or received for transportation in commerce, must be accompanied by a certificate issued by a licensed veterinarian. The Department has an established system for the accreditation of veterinarians who perform official duties with regard to animal health laws and regulations. Under this system, the veterinarian is responsible to the Department for the proper performance of his duties as an accredited veterinarian. Under consideration is an amendment to Section 13 which would require the health certificate to be issued by a USDA accredited veterinarian.

Table 2.--Number of canceled licenses and inactive registrations (FY 1977)

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
TOTAL U.S.	336	15	93	48
Alabama	2	-	1	-
Alaska	-	-	-	-
Arizona	1	-	1	-
Arkansas	3	-	-	4
California	1	2	-	-
Colorado	17	-	-	1
Connecticut	-	-	-	1
Delaware	-	-	1	2
Florida	2	-	39	3
Georgia	3	-	-	1
Hawaii	-	-	-	1
Idaho	1	-	-	-
Illinois	8	1	2	5
Indiana	2	1	-	2
Iowa	23	-	-	-
Kansas	95	-	-	-
Kentucky	-	-	1	-
Louisiana	-	-	-	1
Maine	2	-	-	-
Maryland	-	1	4	3
Massachusetts	6	1	-	5
Michigan	4	-	5	4
Minnesota	7	1	5	2
Mississippi	-	-	-	-
Missouri	37	-	-	-
Montana	-	-	4	-
Nebraska	13	-	1	-
Nevada	-	-	-	-
New Hampshire	22	-	-	-
New Jersey	1	-	-	1
New Mexico	-	-	-	-
New York	10	2	-	3
North Carolina	3	-	-	-
North Dakota	-	-	-	-
Ohio	14	-	5	5
Oklahoma	6	-	-	-
Oregon	9	-	-	-
Pennsylvania	6	4	-	4
Rhode Island	-	-	-	-
South Carolina	1	-	4	-
South Dakota	2	-	-	-
Tennessee	-	-	6	-
Texas	12	1	2	-
Utah	-	-	-	-
Vermont	10	-	-	-
Virginia	-	1	3	1
Washington	-	-	-	-
West Virginia	-	-	1	-
Wisconsin	10	-	4	-
Wyoming	3	-	-	-
Puerto Rico	-	-	4	-
Virgin Islands	-	-	-	-
Dist. of Columbia	-	-	-	-

Table 4.--"Other" animals used in experimentation (FY1977\*)  
(A tabulation of animals listed as "other" in Table 3)

State	Guinea pigs	Hamsters	Rabbits	Wild animals
TOTAL U.S.	348,741	393,533	439,003	46,535
Alabama	427	1,168	2,163	114
Alaska	20	4	-	278
Arizona	1,516	207	1,715	155
Arkansas	-	-	115	10
California	28,715	16,324	47,480	6,673
Colorado	6,345	2,316	4,610	461
Connecticut	6,106	3,918	4,448	565
Delaware	3,625	2,220	648	32
Florida	2,350	2,230	12,628	778
Georgia	1,109	15,275	3,699	777
Hawaii	354	624	719	69
Idaho	126	48	116	704
Illinois	16,854	22,014	35,849	2,879
Indiana	15,720	4,968	7,683	1,224
Iowa	16,412	44,628	5,766	539
Kansas	11,127	31,014	5,212	1,670
Kentucky	1,440	4,022	985	15
Louisiana	1,491	1,299	1,827	739
Maine	46	162	5,399	46
Maryland	7,809	5,689	7,611	85
Massachusetts	17,040	13,279	14,951	3,116
Michigan	16,429	23,945	15,583	3,158
Minnesota	5,254	1,773	5,690	1,959
Mississippi	128	1,487	626	52
Missouri	7,131	17,678	13,705	1,954
Montana	351	46	242	123
Nebraska	879	9,859	1,503	405
Nevada	140	71	52	199
New Hampshire	79	1,416	333	200
New Jersey	30,735	39,965	79,965	943
New Mexico	1,171	6,586	538	317
New York	44,723	28,796	36,661	6,301
North Carolina	6,093	5,418	6,265	242
North Dakota	151	40	397	89
Ohio	15,748	5,700	12,379	755
Oklahoma	337	134	303	-
Oregon	494	252	1,424	1,248
Pennsylvania	24,342	28,342	28,012	2,239
Rhode Island	84	551	293	209
South Carolina	402	2,219	1,008	13
South Dakota	300	445	177	47
Tennessee	2,479	5,718	5,291	223
Texas	9,564	17,321	18,347	2,378
Utah	661	20	1,812	381
Vermont	46	770	1,006	111
Virginia	4,361	1,483	6,413	755
Washington	13,393	2,500	4,922	184
West Virginia	1,432	116	914	-
Wisconsin	5,036	6,493	7,108	456
Wyoming	80	261	79	126
Puerto Rico	72	-	215	-
Virgin Islands	-	-	-	-
Dist. of Columbia	358	1,279	975	37
Federal Agencies	17,656	11,440	23,141	502

\*Period covered: 1/1/77 - 9/30/77.





Table 7.--Number of cases closed (1977)

State	Total closed	Penalty imposed	Cases closed without prejudice*	Notice issued
TOTAL U.S.	71	21	15	35
Alabama	1	1	-	-
Alaska	-	-	-	-
Arizona	-	-	-	1
Arkansas	1	-	-	1
California	4	1	2	-
Colorado	4	-	3	1
Connecticut	1	-	-	1
Delaware	-	-	-	-
Florida	1	-	-	1
Georgia	-	-	-	-
Hawaii	-	-	-	-
Idaho	1	-	-	1
Illinois	2	1	-	1
Indiana	3	-	2	-
Iowa	4	3	1	-
Kansas	18	5	3	10
Kentucky	-	-	-	-
Louisiana	-	-	-	-
Maine	2	-	1	1
Maryland	1	-	1	-
Massachusetts	6	-	-	6
Michigan	4	4	-	-
Minnesota	-	-	-	-
Mississippi	1	-	1	-
Missouri	-	-	-	-
Montana	-	-	-	-
Nebraska	2	1	-	1
Nevada	-	-	-	-
New Hampshire	1	-	1	-
New Jersey	1	-	-	1
New Mexico	-	-	-	-
New York	1	1	-	-
North Carolina	2	-	-	2
North Dakota	-	-	-	-
Ohio	2	1	-	1
Oklahoma	-	-	-	-
Oregon	1	-	-	1
Pennsylvania	-	-	-	-
Rhode Island	-	-	-	-
South Carolina	-	-	-	-
South Dakota	2	-	-	2
Tennessee	-	-	-	-
Texas	-	-	-	-
Utah	-	-	-	-
Vermont	2	2	-	-
Virginia	1	-	-	1
Washington	-	-	-	-
West Virginia	-	-	-	-
Wisconsin	2	1	-	1
Wyoming	-	-	-	-
Puerto Rico	-	-	-	-
Virgin Islands	-	-	-	-

\*Includes cases which further action is not warranted.

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